



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

LEVIN et al.

Serial. No.: 09/896,186

Filed: June 29, 2001

For: METHOD OF CONTROLLING  
GENE EXPRESSION AND GENE  
SILENCING

Art Unit: 1638

Examiner: MEHTA, Ashwin D.

Atty Docket: 31481A

Confirmation No.: 9567

**SUPPLEMENTAL**  
**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR §1.56, Applicants wish to call the Examiner's attention to the references cited on the attached Form PTO-1449. The items listed on the enclosed Form PTO-1449 may be deemed to be pertinent to the above-identified application and are made of record to assist the Patent and Trademark Office in its examination of this application.

The submission of these references is made solely for the purpose of complying with Applicant's duty of disclosure, and is not intended as a surrender of patentable subject matter nor is it intended to create prosecution history estoppel.

Identification of the listed references is not to be construed an admission of Applicants or Attorneys for Applicants that such references are available as "prior art" against the subject application.

Applicants respectfully request that the Examiner review the foregoing references and that the references be made of record in the file history of the application.

The Examiner is requested to consider the foregoing information in relation to this application and to indicate that each reference was considered by returning a copy of the initialed PTO 1449 forms.

The Commissioner is authorized to charge \$180.00 for payment of this submission pursuant to 37 C.F.R. § 1.17(p), to Applicant's credit card. A Credit Card Payment Form is attached hereto. The Commissioner is authorized to charge any additional fees under 37 C.F.R. §1.17 that may be required, to Deposit Account No. 50-1744 in the name of Syngenta Biotechnology, Inc.

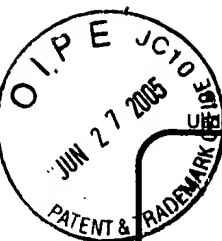
Respectfully submitted,



Mary Kakefuda  
Attorney for Applicant  
Registration No 39,245

Syngenta Biotechnology, Inc.  
P. O. Box 12257  
3054 East Cornwallis Road  
Research Triangle Park, NC 27709-2257  
Telephone: 919-765-5071

Date: 6/22/05



1638 CC  
PTO/SB/17 (10-04)  
OMB 0651-0032

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# FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 180.00)

## Complete if Known

Application Number 09/896,186  
Filing Date June 29, 2001  
First Named Inventor LEVIN  
Examiner Name MEHTA, Ashwin D.  
Art Unit 1638  
Attorney Docket No. 31481A

## METHOD OF PAYMENT (check all that apply)

☐ Check ☒ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number 50-1744  
Deposit Account Name Syngenta

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 790	2001 395	Utility filing fee	
1002 350	2002 175	Design filing fee	
1003 550	2003 275	Plant filing fee	
1004 790	2004 395	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$)

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims	Fee from below	Fee Paid
Total Claims	-20** =	X	
Independent Claims	-3** =	X	
Multiple Dependent			

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 88	2201 44	Independent claims in excess of 3
1203 300	2203 150	Multiple dependent claim, if not paid
1204 88	2204 44	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 430	2252 215	Extension for reply within second month	
1253 980	2253 490	Extension for reply within third month	
1254 1,530	2254 765	Extension for reply within fourth month	
1255 2,080	2255 1,040	Extension for reply within fifth month	
1401 340	2401 170	Notice of Appeal	
1402 340	2402 170	Filing a brief in support of an appeal	
1403 300	2403 150	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,370	2501 685	Utility issue fee (or reissue)	
1502 490	2502 245	Design issue fee	
1503 660	2503 330	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	\$180.00
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 790	2809 395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 790	2810 395	For each additional invention to be examined (37 CFR 1.129(b))	
1801 790	2801 395	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 180.00)

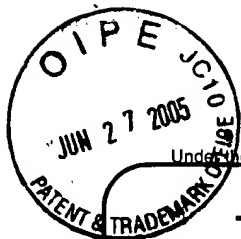
## SUBMITTED BY

Name (Print/Type) Mary Kakefuda Registration No. 39,245 Telephone 919-765-5071  
Signature Mary Kakefuda Date 6/22/05

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/21 (09-04)

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**TRANSMITTAL  
FORM**

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7

Application Number

09/896,186

Filing Date

June 29, 2001

First Named Inventor

LEVIN

Art Unit

1638

Examiner Name

MEHTA, Ashwin D.

Attorney Docket Number

31481A

**ENCLOSURES (Check all that apply)**

Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Certified Copy of Priority Document(s)

Reply to Missing Parts/  
Incomplete ApplicationReply to Missing Parts  
under 37 CFR 1.52 or 1.53

Drawing(s)



Licensing-related Papers



Petition

Petition to Convert to a  
Provisional Application

Power of Attorney, Revocation



Change of Correspondence Address



Terminal Disclaimer



Request for Refund



CD, Number of CD(s) \_\_\_\_\_

☐ Landscape Table on CD

Remarks



After Allowance Communication to TC

Appeal Communication to Board  
of Appeals and InterferencesAppeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)

Proprietary Information



Status Letter

Other Enclosure(s) (please identify  
below):PTO/SB/08a; Fee Transmittal Form  
PTO/SB/17; Credit Card Payment Form;  
Receipt postcard; 23 reference documents**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name

Syngenta Biotechnology, Inc.

Signature

Printed name

Mary Kakefuda, Attorney for applicant

Date

June 22, 2005

Reg. No.

39,245

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or printed name

Susan D. Holder

Date

June 22, 2005

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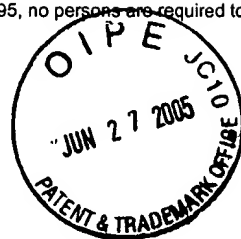
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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use several sheets if necessary)

Sheet 1 of 3



Application Number	09/896,186
Filing Date	June 29, 2001
First Named Inventor	LEVIN
Art Unit	1638
Examiner Name	MEHTA, Ashwin D.
Attorney Docket Number	31481A

Confirmation Number	9567
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U.S. PATENT DOCUMENTS					
Examiner Initials	Cite No. <sup>1</sup>	DOCUMENT NUMBER	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup>			
	A	US-			

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup>				
	B					✓

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>6</sup>
	C	GenBank Accession No. AC002341. [online], retrieved on June 20, 2005]. Retrieved from the Internet: <URL: <a href="http://www.ncbi.nlm.nih.gov">http://www.ncbi.nlm.nih.gov</a> >	✓
	D	GenBank Accession No. AC019012. [online], retrieved on June 20, 2005]. Retrieved from the Internet: <URL: <a href="http://www.ncbi.nlm.nih.gov">http://www.ncbi.nlm.nih.gov</a> >	✓
	E	GenBank Accession No. AC021851. [online], retrieved on June 20, 2005]. Retrieved from the Internet: <URL: <a href="http://www.ncbi.nlm.nih.gov">http://www.ncbi.nlm.nih.gov</a> >	✓
	F	GenBank Accession No. AC027248. [online], retrieved on June 20, 2005]. Retrieved from the Internet: <URL: <a href="http://www.ncbi.nlm.nih.gov">http://www.ncbi.nlm.nih.gov</a> >	✓
	G	GenBank Accession No. AC090282. [online], retrieved on June 20, 2005]. Retrieved from the Internet: <URL: <a href="http://www.ncbi.nlm.nih.gov">http://www.ncbi.nlm.nih.gov</a> >	✓
	H	GenBank Accession No. AC129302. [online], retrieved on June 20, 2005]. Retrieved from the Internet: <URL: <a href="http://www.ncbi.nlm.nih.gov">http://www.ncbi.nlm.nih.gov</a> >	✓

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

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Sheet 2 of 3

Confirmation Number	9567	Application Number	09/896,186
		Filing Date	June 29, 2001
		First Named Inventor	LEVIN
		Art Unit	1638
		Examiner Name	MEHTA, Ashwin D.
		Attorney Docket Number	31481A

I	GenBank Accession No. AF003142. [online], retrieved on June 20, 2005]. Retrieved from the Internet: <URL: <a href="http://www.ncbi.nlm.nih.gov">http://www.ncbi.nlm.nih.gov</a> >	✓
J	GenBank Accession No. AF531179. [online], retrieved on June 20, 2005]. Retrieved from the Internet: <URL: <a href="http://www.ncbi.nlm.nih.gov">http://www.ncbi.nlm.nih.gov</a> >	✓
K	GenBank Accession No. AL928739. [online], retrieved on June 20, 2005]. Retrieved from the Internet: <URL: <a href="http://www.ncbi.nlm.nih.gov">http://www.ncbi.nlm.nih.gov</a> >	✓
L	GenBank Accession No. ATCHRV37. [online], retrieved on June 20, 2005]. Retrieved from the Internet: <URL: <a href="http://www.ncbi.nlm.nih.gov">http://www.ncbi.nlm.nih.gov</a> >	✓
M	GenBank Accession No. ATF18A5. [online], retrieved on June 20, 2005]. Retrieved from the Internet: <URL: <a href="http://www.ncbi.nlm.nih.gov">http://www.ncbi.nlm.nih.gov</a> >	✓
N	GenBank Accession No. ATFCA0. [online], retrieved on June 20, 2005]. Retrieved from the Internet: <URL: <a href="http://www.ncbi.nlm.nih.gov">http://www.ncbi.nlm.nih.gov</a> >	✓
O	GenBank Accession No. ATH404476. [online], retrieved on June 20, 2005]. Retrieved from the Internet: <URL: <a href="http://www.ncbi.nlm.nih.gov">http://www.ncbi.nlm.nih.gov</a> >	✓
P	GenBank Accession No. AY464613. [online], retrieved on June 20, 2005]. Retrieved from the Internet: <URL: <a href="http://www.ncbi.nlm.nih.gov">http://www.ncbi.nlm.nih.gov</a> >	✓
Q	GenBank Accession No. AY530745. [online], retrieved on June 20, 2005]. Retrieved from the Internet: <URL: <a href="http://www.ncbi.nlm.nih.gov">http://www.ncbi.nlm.nih.gov</a> >	✓
R	GenBank Accession No. BT010908. [online], retrieved on June 20, 2005]. Retrieved from the Internet: <URL: <a href="http://www.ncbi.nlm.nih.gov">http://www.ncbi.nlm.nih.gov</a> >	✓
S	GenBank Accession No. BX322612. [online], retrieved on June 21, 2005]. Retrieved from the Internet: <URL: <a href="http://www.ncbi.nlm.nih.gov">http://www.ncbi.nlm.nih.gov</a> >	✓
T	GenBank Accession No. CNS0A2FQ. [online], retrieved on June 20, 2005]. Retrieved from the Internet: <URL: <a href="http://www.ncbi.nlm.nih.gov">http://www.ncbi.nlm.nih.gov</a> >	✓

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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use several sheets if necessary)

Sheet 3 of 3

Application Number	09/896,186
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First Named Inventor	LEVIN
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Examiner Name	MEHTA, Ashwin D.
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Confirmation Number	9567
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[illegible]

Examiner Signature		Date Considered	
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